

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 23-42691

BILLY JOE KAMMERS, and
JILL MELINDA KAMMERS,

Chapter 7

Judge Thomas J. Tucker

Debtors.

_____ /

ORDER DISMISSING CASE

On March 24, 2023, the Debtors filed a joint voluntary petition for relief under Chapter 7, commencing this case. That same day, each of the Debtors also filed, among other documents, a document entitled “Certificate of Counseling” (Docket # 7 at pdf. pp. 1-2), which states that on June 3, 2022, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Neither of the Debtors is eligible to be a debtor in this case, under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, **during the 180-day period ending on the date of filing the petition** by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

(Emphasis added).

The Debtors did not receive the required credit counseling briefing *during the 180-day period ending on the date of the filing of his petition*. In this case, the “180-day period ending on” the petition date of March 24, 2023 began on September 25, 2022. The Debtors each received the credit counseling briefing on June 3, 2022, 114 days before the 180-day period began. Because neither of the Debtors is eligible to be a debtor in this case, the case must be dismissed.

IT IS ORDERED that this case is dismissed, as to both of the Debtors.

Signed on March 28, 2023



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**